

### **REMARKS**

In response to the Office Action mailed May 12, 2010, the Assignee respectfully requests reconsideration. Claims 24 and 25 were previously pending in this application. Claims 24 and 25 are amended. No claims are canceled or added. As a result, claims 24 and 25 are pending for examination with claims 24 and 25 being independent. No new matter has been added.

#### **Rejections Under 35 U.S.C. §101**

The Office Action rejects claims 24 and 25 under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Claim 24 is rejected as allegedly being directed to an abstract process. To address the Examiner's concern, Claim 24 is amended to make explicit that the user interface through which the call flow is designed is provided by a call flow design application executed on a computer, thus tying the method steps to a particular machine.

Claim 25 is rejected because the computer readable medium can allegedly be construed to cover transitory medium such as a carrier wave. Claim 25 is amended to recite "at least one non-transitory computer readable medium" to address the Examiner's concerns. Accordingly, the Assignee respectfully requests that the rejection under 35 U.S.C. §101.

#### **Rejections Under 35 U.S.C. §103**

The Office Action rejects claims 24 and 25 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Application Publication No. 2002/0032564 (Ehsani) in view of U.S. Patent No. 6,173,266 (Marx). The Assignee respectfully traverses this rejection.

As with the previous Office Action, the present Office Action provides multiple pages that are substantially taken verbatim from Marx in rejecting the claims, but *still* does not explain how this disclosure *applies* to the claims. Not once in the rejection of the claims is any teaching in Marx matched up with the limitation(s) in the claims that it allegedly meets. Rather, the Office Action provides conclusory statements that the copied excerpts somehow meet all the limitations of the claims. With all due respect, this type of rejection is not only insufficient, but it is not at all conducive to making the clear what issues the Examiner believes exist in connection with the Prior Art so that such issues can be addressed. In multiple responses, the Assignee has pointed out the

deficiencies of the alleged combination of Ehsani and Marx and in return has received another Office Action that pays lip service to Assignee's arguments by merely reproducing portions of Assignee's argument in the Response to Arguments section without pointing out where the Office Action believes the Assignee's arguments are incorrect.

The Assignee does note that in the Response to Arguments section of the present Office Action, the copied excerpts are believed to at least partially applied to specific limitations in the claims. Having no other indication of how the Examiner is applying the teachings of Ehsani and Marx, the Assignee starts from these provided assertions. In the Response to Arguments section, the Office Action indicates the following:

**Prompt 1** corresponds to the prompt "If you know the name of the person you wish to speak to, please say the first name followed by the last name now. If you would like to speak to an operator, please say 'Operator' now."

**Prompt 2** corresponds to the prompt "Do you mean 'Michael Smith'?"

**Prompt 3** corresponds to the prompt "I'm sorry, I didn't hear your response. Please repeat your answer now."

The Assignee respectively points out that not only do these three prompts fail to have the *required* relationships of the first, second and third prompts recited in the claims, the remaining limitations in the claims are not even addressed. Initially, the Assignee addresses the parenthetical statements in the Response to Arguments provided in connection with Prompt 1 and Prompt 2. Specifically, after Prompt 2, the Office Action states "In vocabulary?" in parentheses and after Prompt 3, the Office Action states "Initially not in vocabulary" in parentheses. It is both unclear what the Office Action is trying to express and how it applies to the claims.

If the Office Action is indicating that Prompt 2 is provided because there is a question as to whether the user response is in the vocabulary or not, this is not the case. Prompt 2 is provided when the user response is *found* in the list of valid people and Prompt 2 is merely confirmation that the application correctly matched the user response. Marx is explicit in this respect: "Assuming *the application finds such a person*, the application outputs a confirming prompt: "Do you mean 'Michael Smith'?" (emphasis added).

In connection with Prompt 3, it is entirely unclear what the Office Action is trying to indicate by the parenthetical statement “Initially not in vocabulary.” Prompt 3 is provided when “no response is received within a predetermined time out” (column 2, lines 4-5). This prompt has absolutely nothing to do with whether a user response is part of any vocabulary, grammar or anything else. While it remains unclear what exactly these statements have to do with the claims, the Assignee points out that the whatever the intent, the statement themselves are not correct.

Next, the three prompts indicated in the Office Action do not have the same relationships that are *required* by the claims. First, claim 24 requires “adding a representation of a first prompt to the call flow representation in response to at least one designer instruction, received via the user interface, to add the first prompt, the first prompt being defined to solicit a response from a user of the speech recognition application call flow.” According to the Office Action, Prompt 1 meets this limitation.

Claim 24 also requires “adding a representation of a second prompt to the call flow representation in response to at least one designer instruction, received via the user interface, to add the second prompt, the second prompt to be provided to the user should the user respond to the first prompt with one of the valid responses defined in the at least one grammar.” If Prompt 2 is to be interpreted as the second prompt, then the at least one grammar must be the list of names and their variations known to the application that includes “Mike Smith” as a valid response.

Claim 24 further requires “adding a representation of a third prompt to the call flow representation in response to at least one designer instruction, received via the user interface, to add the third prompt, the third prompt to be provided to the user should the user respond to the first prompt with the response option.” According to the Office Action, Prompt 3 reads on the third prompt. However, Prompt 3 is provided when ***the user does not respond*** to Prompt 1. This is inconsistent with the relationships required in the claims for a number of reasons. First, claim 24 *requires* that the third prompt be provided “should *the user respond to the first prompt* with the response option” (emphasis added). In complete contrast, Prompt 3 is provided precisely because ***the user does not respond*** to Prompt 1! Accordingly, Prompt 3 does not meet the requirements of the third prompt for this reason alone.

Second, claim 24 further *requires* that the third prompt be provided “should the user respond to the first prompt *with the response option*” (emphasis added). The response option is recited as “defining a valid response to the first prompt.” Not responding (i.e., no user response as in Marx) is not a valid response to the first prompt. Indeed, it is precisely because the user does not respond with a valid response to Prompt 1 that Prompt 3 is provided. This is entirely opposite of what is *required* by the claims. Accordingly, Prompt 3 does not read on the third prompt for this additional reason.

Finally, claim 24 requires “automatically generating the speech recognition application call flow from the call flow representation such that if the response option is defined as a valid response in the at least one grammar, the third prompt is presented to the user instead of the second prompt when the user responds to the first prompt with the response option.” Not responding is not only not a valid response and therefore cannot be the “response option,” not responding is also not “a valid response in the at least one grammar,” which grammar is the list of valid names and variations understood by the directory application, per the allegation that Prompt 1 reads on the first prompt.

Accordingly, Prompt 1, Prompt 2 and Prompt 3 do not meet the requirements of the first, second and third prompts as required by claim 24. Specifically, Prompt 3 does not have the required relationship with Prompt 1 and Prompt 2 required by claim 24 for at least the reasons discussed above, and Marx therefore does not disclose or suggest each limitation in claim 24. No prompts, grammars or responses in Ehsani can cure these deficiencies as such elements would have absolutely no relationship to Prompt 1, Prompt 2 or Prompt 3.

Accordingly, the alleged combination fails to disclose or suggest each limitation in claim 24, and therefore claim 24 patentably distinguishes over the combination and is in allowable condition. Claim 25 recites a computer readable medium encoded with instructions that, when executed, perform the method of claim 24. Therefore, claim 24 patentably distinguishes over the alleged combination for the same reasons and is in allowable condition.

In view of the foregoing, the Assignee respectfully requests that the rejection of claims 24 and 25 under 35 U.S.C. §103 be withdrawn.

**CONCLUSION**

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, the Assignee hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. N0484.70566US00.

Dated: August 12, 2010

Respectfully submitted,

By /Marc S. Johannes/  
Marc S. Johannes  
Registration No.: 64,978  
WOLF, GREENFIELD & SACKS, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2206  
617.646.8000